

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley, <i>Co-Chair</i> (1944-2013) MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i> SIMMONS HANLY CONROY LLP	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

**VIA ECF AND OVERNIGHT MAIL**

December 20, 2016

The Honorable George B. Daniels  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels:

On behalf of the Plaintiffs' Executive Committees in the above-referenced multi-district litigation proceeding (MDL 1570), I write to respectfully request that Your Honor designate the three actions identified below as related to the cases comprising MDL 1570.

1. *Bowrosen et al. v. The Kingdom of Saudi Arabia*, 1:16-cv-08070 (SDNY) (JFK);
2. *McCarthy et al. v. Kingdom of Saudi Arabia*, 1:16-cv-08884 (SDNY) (LAP); and
3. *Aguilar et al. v. Kingdom of Saudi Arabia et al.*, 1:16-cv-09663 (SDNY) (not yet assigned).

Pursuant to Local Rule 13 of this Court, "the decision of the judge with the lowest docket number shall control" the designation of a matter as a related case, unless the Assignment Committee determines otherwise. Local Civil Rule 13(b)(2).

Each of the actions identified above asserts claims against alleged material sponsors and supporters of the al Qaeda terrorist organization for injuries arising from the September 11<sup>th</sup> attacks. The defendants named in those cases, including the government of Saudi Arabia, are also named defendants in cases that are part of MDL 1570, and the allegations presented in the three complaints track very closely to those advanced against the defendants in the ongoing MDL 1570 proceedings. Thus, the three cases identified above concern the same or substantially

The Honorable George B. Daniels  
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similar parties, transactions and events, and there is substantial factual overlap between the three new actions and the cases comprising MDL 1570. *See* Local Civil Rule 13(a)(1). Further, in the absence of a determination of relatedness, there would be substantial duplication of effort and expense, delay and undue burden on the Court, parties and witnesses. For all of those reasons, the Plaintiffs' Executive Committees respectfully submit that designating the three actions as related would serve the interests of justice and efficiency. *Id.*

The Plaintiffs' Executive Committees have separately filed a Notice of Tag-Along Actions with the Judicial Panel on Multidistrict Litigation, identifying the three cases listed below and an action filed in the United States District Court for the District of Columbia as tag-along actions. A copy of that notice is attached hereto for the Court's convenience.<sup>1</sup> However, Rule 7.2 of the Judicial Panel on Multidistrict Litigation provides that "a party should request assignment of [tag-along actions] filed in the transferee district to the Section 1407 transferee Judge in accordance with the applicable local rules." Accordingly, we understand that the request to include the three Southern District of New York actions listed below into MDL 1570 is most properly directed to Your Honor.

The Plaintiffs' Executive Committees thank Your Honor in advance for the Court's consideration of this request.

Respectfully,

COZEN O'CONNOR



By: Sean P. Carter

SPC/:bdw  
Enclosure

cc: The Honorable Sarah Netburn  
The Honorable John F. Keenan  
The Honorable Loretta A. Presca  
All MDL Counsel of Record (via ECF)  
Joseph Giaramita, Jr., Esq. (via Email)  
Allan C. Samuels, Esq. (via Email)  
Christopher R. Lopalo, Esq. (via Email)  
Paul J. Napoli, Esq. (via Email)

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<sup>1</sup> Given the voluminous nature of the dockets sheets filed as exhibits to the Notice of Tag-Along Actions, we are omitting the docket sheets from this filing.

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

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**03 MDL No. 1570**

**NOTICE OF POTENTIAL TAG-ALONG ACTIONS**

In accordance with Rule 7.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I write on behalf of the Plaintiffs' Executive Committees in the above-captioned multi-district litigation pending in the United States District Court for the Southern District of New York, to notify you of the potential tag-along actions listed on the attached Schedule of Actions. As to the tag-along actions identified in the attached schedule that were filed in the transferee court, the Plaintiffs' Executive Committees will be requesting assignment of those actions to the Section 1407 transferee judge, the Honorable George B. Daniels, in accordance with the Local Rules of the United States District Court for the Southern District of New York, consistent with Rule 7.2 of this Court.

Docket sheets and complaints are attached.

Respectfully submitted,

COZEN O'CONNOR

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Committee for Commercial Claims*

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

**03 MDL No. 1570**

**NOTICE OF POTENTIAL TAG-ALONG SCHEDULE OF ACTIONS**

	<b>Plaintiffs</b>	<b>Defendants</b>	<b>District</b>	<b>Civil Action No.</b>	<b>Judge</b>
1.	Virginia DeCola Bowrosen, individually and on behalf of the Estate of Paul DeCola, Joseph Davi, Jr., Robert Pellechia, D.D.S. Brenda Pellechia	Kingdom of Saudi Arabia	Southern District of New York	1:16-cv- 08070-JFK	Judge John F. Keenan
2.	Antoinette McCarthy, individually and as the daughter of Emeric J. Harvey, Jennifer Castelano, individually and as the daughter of Emeric J. Harvey	Kingdom of Saudi Arabia	Southern District of New York	1:16-cv- 08884-LAP	Judge Loretta A. Preska
3.	Luis Aguilar, James Alamia, Rena Alexander, Philip Annunziato, Patricia Ancona, Desiderio Arboleda, Marcelo Atiencia, Richard Ballerini, Michael Banahan, Virginia Barbosa, John Botte, Donald Bowles, Raymond Brown, Reno Buttigieg, Lyndon Burton, Stephen Capobianco, Jr., Rene Caraballo, Ramon Carrero, John Caruso, Javier Carvajal,	Kingdom of Saudi Arabia, Saudi Binladin Group, Mohamed Binladin Company, Mohamed Binladin Organization, Prince Mohamed Bin Faisal al Saud, National Commercial Bank, Yasin Kadi, Muslim World League,	Southern District of New York	1:16-cv- 09663	Not yet assigned

	William Cherry, Charles Christiano, Donald Coughlan, Victor DiPierro, Donald Dowler, Oswald Drysdale, John Giordano, Edward Gorman, Antonio Grella, William A. Havel, Michael J. Hughes, Richard Jackson, John J. Jordan, Helga Kopperl, John Licato, Michael Lupo, Nicole Papamichael, Stephen Petrovich, Dominick Randazzo, Philip Rauscher, Michael Reinecke, Janny Sanchez in her own right and as personal representative for the estate of Juan C. Sanchez, Anthony Scarpa, Michael Schoonmaker, Edward L. Sena, Alfonso Serrano, Daniel Slezak, Janice Stern, Robert Supino, Wallace Zeins	International Islamic Relief Organization, World Assembly of Muslim Youth, Al Haramain Islamic Foundation, al Rajhi Bank, Dubai Islamic Bank, Dallah Avco Trans Arabia			
4.	Stephanie Ross DeSimone, individually and on behalf of the Estate of Patrick Dunn and as the parent and next friend of A.D., a minor	Kingdom of Saudi Arabia	District of Columbia	1:16-cv- 01944	Judge Amy Berman Jackson

**BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**IN RE SEPTEMBER 11, 2001  
TERRORIST ATTACKS  
LITIGATION**

**MDL DOCKET NO. 1570**

**PROOF OF SERVICE**

I, Sean P. Carter, Esquire, do hereby certify that the foregoing Notice of Potential Tag-Along Actions is being filed through the CM/ECF system and that all registered users will be served through that system. I further certify that a true and correct copy of the Notice of Potential Tag-Along Actions filed in the above-captioned matter on this date was served upon the following counsel via email:

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Respectfully submitted,

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Dated: December 19, 2016